L.F 17 9 96

P.35

G. R. S. IX-5]

Previous references.

1896-97

~~191~~ .

(Municipal)

File No. 50 9

Serial Nos. 1-1

Later references

mmd 50 9 96 Sls 11-20

" " 21-28

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-10

~~Part~~ B for May, 99

SUBJECT.

Municipal Election Rules.

Indexed.

W D 88—GPB—50,000—24-7-10

10

City Municipality

1) I think the qualifications for both the Voter & Member shd. be considerably raised. D.M. Slater Do you ~~disagree~~ agree?

2) No man shd. ~~be allowed to~~ combine in himself the inconsistent functions attaching to membership on Board & on an Assn formed with the Object of the Rate Payers' Assn.
This is a very sound principle and how can we give effect to it.

3) The Rule regarding Public Servants Canvassing for Election shd. be re-iterated I think. Send Copy Secretary to Chief Constable with a Courteous letter which I wd. like to see beforehand.

2-7-96

R.D-P

TR A Thurlow Chetham Esq C.C.

To Secy. with regard 4(1) I quite agree with the Decision but on the Notice and many Notices show on what respect they differ from us with reg. 6(2) please.

ed. Q.

copy is available at the office - Q. see the Notice & the Act. Pg. 4.

of any - Whether a member of the Association is liable to be called as to his position as such and act in his relation the Mr H's in a manner which is objectionable to him as the gentleman elected

The order of 26th June 95 - is not to be - I have not been able to find any other order - I shall write to Deacon & ask for instructions.

Draft a letter as desired by Deacon Submit for his approval

2 7 96

4-7-96

(1) Qualification for Voters or members. The Rules of the Cork Mutual Assurance Rules are put up with a comparative Statement

The rental value specified in Rules may be raised as shown under

In Rule 5 £1 for £100 substitute £1.30 "
" " £2 " £200 " £2.60 "
In Rule 6 £1 " £1.60 " "
less than £3 per annum

This be made one. The Directors shall see

4-7-96

I am not aware of any precedent for imposing such a restriction. I do not think we can well do so

(2) As to whether a member of an Association can be a member of the H

I think this may be provided for by a Rule to the following effect may be framed

"No person in the service of the Company shall directly or indirectly engage in canvassing for votes or otherwise assist in the election of any candidate otherwise than by the exercise of his vote as a shareholder under this Rule"

(3) As to Parliamentary Canvassing for election

13

Order

The qualification for Election ~~as fixed~~ ~~by it~~ as fixed by the Rule

involves an unsound principle, ~~for~~ because it makes an unfair distinction between mere occupiers of houses and the proper rate payers. ~~It is permissible to prescribe a qualification but he should not have~~. A man by Virtue of his mere residence can not have the same interest in the Concerns of a Municipality as the real rate payers and though it is permissible to prescribe a minimum qualification for the former yet it is most undesirable that the ~~Sh~~ Secretary of State should have less than prescribed for the latter.

~~The In prescribing Rules on the subject the Council~~

Minimum ~~amount~~ of taxes which a person should have directly paid ~~to~~ or which should have been paid on account of a mere residence.

In order to qualify, a person must have directly paid a minimum amount of taxes or a similar amount should have been paid ~~to~~ on account of his residence by his landlord. Bearing this principle in mind Govt are pleased to enact as follows:—

(a) must have paid in the year preceding that in which the election takes place, taxes under the Regn, ~~and~~ Municipal Tax and Land Revenue for lands within Municipal limits, in respect of such year to the aggregate amount of not less than Rs 20/ or must reside in a house paying a monthly rental of not less than Rs 30/

Memo

of the election rules

(a) etc of members

When election rules were framed in 1891, there were 8 and 9 divisions in the municipalities of the Bangalore and Mysore Cities respectively and the number of Municipal Commissioners, including ex-officio members, was fixed at 22 and 24 respectively. The number of divisions of each of the Municipalities was reduced to 7 and the total number of Commissioners was therefore fixed at 20 for each city. Para 2 of the election rules has therefore to be amended as shown in figure in the revised draft.

Notification No 3062 of 23/8/92
Proc No 13561-2/1380 of 25/2/92

(b) etc of ex-officio members

(2) Including the Vice President, there were hitherto 6 ex officio members in each municipality, viz:-

1.
2.
3.
4.
5.
6.

Mysore

1 Deputy Comr. President. 1 Dy Commissioner .. President
2. Surgeon ~~Civil Surgeon~~ President 2 Civil Surgeon
3. Executive Engineer 3 Executive Engineer
4. Taluk Amildar. 4 Taluk Amildar
5. Principal, Central College 5. Principal of the College
6 ~~Vice President~~ 6 Collr. & Mellupa

Vide para No 9365-6 Dy L.823 Dy 5/1/17

The etc of ex-officio members was passed to be by the appointment of Mr. K. Srinivasa Row and Mr Rangendaraj Urs as Vice Presidents of the Mtes of Bangalore and Mysore respectively. In the City of Bangalore, the Dy Comr was relieved of the charge of the Municipality and Mr K. Srinivasa Row was transferred to the Revenue Department, Mr T. J Leonard being appointed as full-timed President. Thus there are at present only 5 ex officio mem's in Bangalore ~~excluding the Vice President~~. The word "Vice President" has therefore to be removed from para 2 of the rules. As h.

Draft in

Vide para 6
(to 9365 & 8231)
1

half the number of C
have to be elected by rate
payers and the exclusion
of the Vice President without
the addition of another member
will make the total number
of commissioners only 19, a
substitute has to be appointed
in the room of the President.
It is respectfully suggested as
to whether the Senior assistant
Commissioner at Bangalore,
whose help in the matter of
acquiring lands &c ~~from~~ would
be of great use to the Municipality
may not be appointed as an
ex. officio member. I should
not omit to mention here that
when the Senior Surgeon
recommended that his chief
assistant might be ~~appointed~~
~~a member of the Board~~ allowed
to ~~be a member~~ attend the
municipal meetings, he was
told that the [chief assistant]
could not be [illegible]

Either he or the Executive Engineer may be appointed. It is a matter of expediency.

the executive head of Dist is no longer head of the Municipality

∧ as he was unable to do so every month

Pro cto 7494-5 Dy 4/11/93
L.364-92
D/f 11

nd the meetings,
he was appointed a
Municipal Commissioner
which could not be done
for the present as his appoint-
ment would destroy the
proportion of the offecial
element sanctioned by the
rules. This objection no
longer exists and it is a
matter for consideration
whether the Chief assistant
may be appointed as an
ex. offices member, in
which case there will be
two officials, one to attend
the meetings and the other
to be borne on the list
available for advice on
special subjects or occasions.
With this addition there
will be 6 ex. officio members
in Bangalore as well as elsewhere
and 4 members will be
appointed by Govt, the
remaining ten being elected
by rate payers at the rate of
2 for each of the marginally noted
Divisions and one for each of the

2 by the Senior Assistant Comr or the Chief assistant to the Senior Surgeon as an official member

1 presiding in 4 Divisions

Bangalore.	Mysore &c
1 Balepete.	1 Lashkar. Mohl
2 Manavarthpete. . .	2 Devaraj — Do
3 Ulsoorpete. . . .	3 Fort — Do

Preferred to above for which one Com is appointed by Govt.
1.12.17

Permanency for 4 years each Municipal Stage Paras 2 of Govt Pro etc 9365-6/2823 of 1/12/91 require modification.

(3) Para (6 e) of the election rules of the 6 & 7 Statem has been inserted as para 6(e) in the amended draft as corrected with the following modification subject to approval.

Words in Statem rules.	Words substituted in the draft
(1) "Indian Companies Act 1882"	(1) "Mysore Companies Regulation III of 1895"
(2) Municipal Regulation of 1883	(2) Municipal Regulation of 1871 as amended by Regulation III of 1888.
(3) not less than twenty-five Rupees	(3) not less than twenty rupees.

The reason for the 3rd alteration is that in prescribing qualifications in respect of taxes paid was in other cases fixed at Rs 5 less than that of the Statem Municipality

(4) Docket etc 93 dated 3rd March 1896 from the President of the Bangalore City Municipality approving of the amendments to the

election rules [illegible]

Madras rules and suggested by Govt in their Pro No 3084-5. L.340-92 dated 3/9/96 is pending disposal owing to the non-receipt of a reply from the President of the Mysore City Municipality to whom a reminder was sent on 11/3/96, subsequent draft reminder having been kept back under orders of the late Under Secy.

Submitted.

Called Attn.

I have had the rules applied to municipalities. The elections recently held under these rules [illegible]

29/8/9

My dear Mr Greenhalgh

In returning the Election Note, yesterday I forgot to write an amendt which occurred to me.

We should not allow both the owner and occupier of a house to be eligible to vote or be voted - Eg. A may be the owner of a house which is occupied by B at a monthly rental of £ 25 - Either A or B ought to be eligible but not both

In the Borough Franchise Act III of 1884 as amended by Act III of 1885 & IV of 1894, & in

Madras rules and suggested
ber 1 + ... —

the acceptance of a bill that is drawn
I would adopt the Bengal Rule [illegible] in an [illegible] Rule the words
"owned or" — I mean when
as in the Act, between the
rent [illegible] (the [illegible])

Yours

A Thomson

Memo

As directed by 1st Councillor the revised para suggested in Pro. No. 3084-5 dt F.40-92 Dt 3.9.95 has been substituted for para 4 (e) of the rules.

Corresponding clause under qualifications for voters suggested in the same para has, it is submitted, to be substituted as per slip attached. Under such a note is added to render only one individual whether owner or occupier eligible to vote or to be voted.

2. A new clause about the canvassing of voters is added and clause (3) proposed in rule 5 is omitted as directed.

Submitted with revised draft of rules. SHG 14/9/96

Six interleaved copies of the final proof of the revised election rules are herewith submitted. SHG 14/9/96

Unnecessary, I think. The section is sufficiently explicit.

This was added in pursuance of the 1st Councillor's note of 29/8/96 subject to approval. SHG

3. May following note be

Submitted 2/9/96

The last section as to public servants engaging in canvassing etc. has been directed by the Dewan to stand over." [Vide his marginal note undated 4-7-96.]. If this is intended to be retained, I would suggest the omission of the clause "Any breach of this rule will render him liable to dismissal:" for these reasons:- 1st that it is unconnected with the Election rules, & 2nd that it leaves no scope for the discretion of Govt as to the amount of punishment it will inflict in any particular case, & 3rd (with deference) that it is too severe a punishment for the offence aimed at.

2/9/96.

For (e) Rule III substitute the following:

"have paid to the ~~Clerk of the~~ City Treasurer ~~Auditor~~ during the year immediately preceding the election, water rates, land revenue or municipal taxes, of one or more of the kinds specified under the regulations, an aggregate amount of not less than Rs. 15; or have rendered during the year aforesaid the services and duties of a mortgagee or tenant of a house, shop or other building, the annual rent of which does not exceed Rs. [illegible]

Candidates under the Regulations, to an aggregate amount not less than Rs 5:-

(b) That he is a graduate of an Indian or other University.

(c) That he is the Secretary of, or is duly authorized by, any Company registered under Regulation III of 1891, which has for the year immediately preceding that in which the election takes place, paid to the Government dues in respect of such year under the aforesaid Regulations, of not less than Rs 25:-:-

Statement showing the No of persons eligible to vote and to be voted as Municipal Commissioners in each of the Divisions of the Bangalore City Municipality as per list published in 1896

Division	No eligible to be voted as Municipal Commrs	No eligible to vote for them
Palace	50	147
Balepet	93	1131
Manavarthpet	158	1401
Ulsurpet	44	1011
Nagarathpet	27	408
VI Lal-bagh	17	298
VII Fort	21	113

(4-2)

Note

Mr B. Venkatadasappa, an elected Munic: Comm^r for Nazarbad Mohalla having, subsequent to his election changed his residence & Chamaraj Mohalla, the President asked him to resign the Munic. Comm^r stated in reply that there was nothing in the rules declaring change of residence a disqualification for the continuance on the Board of a properly elected member. The President now seeks the orders of Govt in the matter.

In his letter the President raises the foll^g points which he considers ought to exclude Mr Venkatadasappa from the Board:—

1/- That "Rule III cl(d) of Election Rules disqualifies him from continuing as a Munic Comm^r." The rule cited has no application whatever to the case. It only contemplates residence prior to election and has no reference to any change subsequent thereto.

2/- That "during the time Mr Venkatadasappa's Agreement was

a premium for an evasion of the Rules (~~perhaps~~ what the Presdt considers to be the Spirit of the rules) on the part of numb. Comm^rs by change of residence at their pleasure after their election takes place". It is submitted that there is not much force in these remarks. Numl. Comm^rs are expected to be men of honor working gratuitously for the public good and it is therefore not to be supposed that they would try to retain their seats at the sacrifice of common honesty or honor. The very fact that during the past so many years not more than 10 or 12 cases of numb Comm^rs changing their residence after their election have arisen and that they have on such change willingly resigned, clearly proves that no fear of the kind indicated by the President need be entertained. It is always to be presumed that an elected Comm^r will only change his residence when he cannot help it and that therefore it is unnecessary to compel them to resign.

3/ That "it is offered to the

Spirit of the Amended Rules and to the provisions of Sec 3 of the Bangalore Town Municl Regn of 1871 as extended to Mysore by Regn III of 1888."

As stated above the former, the Election Rules treat only of the conduct of Election & cannot have nothing to do with facts subsequent to election. As regards the latter it is difficult to say positively that the intention of the framers was to make subsequent change of residence a disqualification, when we see that there are municipalities in which even residence within the limits of the Dist is not essential for membership e.g. Madras. However if it was the intention of the framers, they could have included it, when specifying the ~~Conditions before~~ cases in which Govt could remove Municl Comm.

4/- That "it is inconvenient and undesirable to permit the continuance in office of a Municl Comm who has ceased to reside within the limits of the Dist for which he was elected." In the light of the remarks on the 2nd para it is not quite clear how it can cause much inconvenience. The term of election is only for 2 years at the end of which the Comr will of course lose his seat according to law. Say, a Municl Comm Champa. has

vndence a year and a half after election. The inconvenience of appointing another for the remaining 6 months will be far greater than that of allowing the Councr to continue till the end of his term. As regards wall, there Council be any doubt that will suffer more in the former case than in the latter.

Although in Rev: No: 19738 L7-64-92 (Sl 59) it was held that a Councr must be considered to have vacated his seat office by not residing in the Divn for which he was elected, it is submitted that there is nothing in the Rules or in the Regn to show that a member vacates his seat for such reason. (Please see the last para of the Hon. Under Secretary's note Sl 58). Govt: Can only remove a munal: councr when he becomes incapable & act or is guilty of an offence &c as specified in Sec 5 of the Municipal Regulations.

Under these circumstances there seems to be no authority to compel Mr Venkatadasabba to resign his seat on the Board. Nor does such compulsion seem either necessary. His membership July 1999 till which he may be retain his office.

Submitted for
PBL.
26/9/98

Perused Pb-2 Jr 26/9/98

There is doubt to be cast upon Ramakrishnaiah's view - Reading the Municipal Regulations & the Election Rules together I am of opinion that the Vice-Presidents need not necessarily be Councillors. Such Divisions entitled to be represented by Vice-Presidents in its limits. Sections 5 are member has become disqualified if (1) he resigns his office or (2) refuses to act or (3) becomes incapable to act or (4) is convicted of an offence &c

of not less than 6
months. It seems to me
clear that the expres-
sion "becomes in-
capable to act"
is sufficiently com-
prehensive to include
the case of a mem-
ber of either of
any of the legislatu-
res which if it
had existed prior
to his election would
have rendered him
ineligible. The Board also
would see to have
not only that a
person who has
ceased to be any par-
ticular section
can only be prevented
that disqualification, but
also that an elected
member will not
lose his seat even
tho' he is incapacitated

an Assistant or
Clerk to Council
or an officer of the
Municipality or
acquires an interest
in any contract made with
or work done by
the Municipality. Every
one of them is a
serious Infraction
— this. Either these
words under "in-
capable to act"
in which case removal
is justifiable, or
they do not in which
case a amendment
of the Municipal Act-
ing, an Assistant,
a Servant of the
Municipality or a Con-
tractor with the
Municipality can
continue to be a
Member. We propose
then to see the Matter
with a little. Our
Friends Calgary
may be informed
as they Wished to Assign

Q. 4 — 10

Resp^d. to Secretary.

May I venture to make another remark. Is it necessary to couple "incapable to act" (Sec 5 of Munl: Reg^ns) with the qualifications prescribed in rule III of Election Rules. Is it necessary to hold that either all the disqualifications ~~should~~ come within the meaning of "incapable to act", or that none of them should. May not Govt: consider some of them e.g, insolvency, becoming an officer or servant of the Municipality, to be circumstances rendering a Counct "incapable to act" and may not change of residence be held to be no such incapacity. No doubt if Govt: considers that, independently of everything else, change of residence renders a Munl: counct "incapable to act", the Munl: Counct will ~~should~~ ~~if necessary~~ have to be asked to resign.

5/10/98

I don't quite see how this could be done. The Election Rules are effective. As they stand however, the words "incapable to act" must in my opinion be taken to include all these disqualifications.

Yes. Residence in the Division seems to be a sine qua non

In my perusal of this Regulation I do not see that any power is retained by Govt or Subsidiary to make general rules. If this is not so I wish the provision to be pointed out. If there is the absence of such

power Govt can only proceed under Sn 5 of the Regulation which gives the Govt the power to fix the time and manner of the election and the qualification of the electors. and to generally make such rules as it shall think fit for regulating election. Is it proper to construe this last clause as giving power to Govt to fix the qualification of the elected candidates also? The express mention of the "electors" has to be borne in mind -

As can be distinguished from Sn 3 which restricted the right to the residents of the Division Sn 5 gave power to afford to any number of the inhabitants of the Town of Negapatam." This provision is not without significance -

I might in any event that Sn 3 referred to the right of the first application as soon as

the Regulation was
promulgated and
so s- regulates all
subsequent appts
I want them doubts
to be cleared & shall
be glad to have the
views of the Secy & d
the papers except
up by Sir Chandra
Sekhara Iyer -

If under so s- the
Govt is competent to
declare the qualifications
of the elected candidate
I am inclined to
think that charge
of rendering him
a disqualification
& without removal
or resignation under
rule 5 the Md Council
becomes disqualified
& is entitled to hold
office - Otherwise it
will be difficult to
give due effect to the
words " becomes dis
-qualified -

The question is one
which admits of further
consideration & the
question (illegible)

Submitted to the Secy.

Section 5 of the Municipal Regulations gives Government the power "generally to make such rules as it shall think fit for regulating the election" of Municipal Commissioners.

Under this general power the Govt. may prescribe the qualifications that must be possessed by persons eligible for election, in other words the circumstances that disqualify a man for election.

I agree

But I do not think that it authorises Government to lay down the circumstances that disqualify a Munl. Commr. who has been duly elected for continuing to hold his office as such, as this is a matter that pertains, not to the "election" but to the removal, of Commrs.

No - They are laid down in the Section itself

The enactment itself specifies the circumstances that render a Munl. Comm. liable to be removed. These are voluntary resignation, refusal to act, becoming incapable to act, and conviction of a heinous offence.

Yes

The expression "to act" simply means to discharge one's functions as a Munl. Commr. It does not (in my humble opinion) necessarily imply continued residence within the

division

division for which a person happens to be elected.

But if a change of residence on the part of a Commr. results in his neglecting his duties (which is a question of fact in each case), then he is liable to be removed as for " refusal to act."

Becoming incapable to act differs from refusal to act in being the result of involuntary conditions, bodily or mental, such as paralysis or lunacy. That it does not include such circumstances as insolvency seems to me clear from the ~~fact~~ wording of the other Acts that I have consulted, which enumerate these circumstances separately. Compare s. 19 of the Madras Dt. Mncies. Act, s. 10 of the Central Prov. Act, S. 11 of the C&M Stn. Munl. Law, etc.

It may perhaps be <u>desirable</u> that Munl. Commrs. should vacate their seats as soon as they cease to be eligible as candidates in any respect. But this is a different question fro the one under discussion, namely, whether the existing law sanctions such a rule.

There is no law more full of imperfections than the Municipal Regulations of 1871, and no portion of the same more so than the provisions

provisions which relate to the appoint-
-ment of Ml. Commrs.

The Second Councillor enquires whether he is right in supposing that s. 3 of the Ml. Regns. referred to the original or the first appointment as soon as the Regns. were promulgated and that s. 5 regulates all subsequent appointments.

I rather think that these two sections are intended to provide for two different modes of appointment, which may be resorted to at any time at the discretion of Govt. The expression "appoint or direct to be appointed by election" in Sec.5 is somewhat unhappy; but it seems clear that the words "by election" must be taken as qualifying both "appoint" and "direct to be appointed." "Appointment by election" is a ~~strictly correct~~ which may be defended as not use of words, ~~since~~ the definition of Munl. Commr. in section 2 necessarily implies either an express or an implied act of appointment on the part of Government, howsoever the actual selection might be made.

I am of the same opinion
Q

Sealed 17-4-98

I think that this should be brought

Up to me by the
Chandra Sekharaiya
I am available for
work any day
between 1 to 4 pm
Ulfs
18/11/98

On a full consideration
I am inclined to
think that the charge
of rendering of a
corrupt appointed
by election does not
render liable to be removed.
This removal rests
is based upon
grounds which are
specified in the sub-
ject of the charge
of rendering is not one-
The qualifications
which have been
described in the rules
- drawn under refer to
the period upto election
and cannot affect
a Commissioner after
his appointment. In
this view it is not easy
to measure the exact

effect the given
word "becomes
disqualified" as
used in the rules
of election (5) I would
for these reasons
leave alone Mr Venkat
- darabha till his term
of appointment is over
by efflux of time - that
as such an action
be inconsistent with
more than one order
already passed
in similar matters
this question may
be laid upto the
Dewan
Ulfs
21.11.98

Seen & Dewan
9
25-11-98

all-
- powers
ordinary

Draft

(1) an order authorising Mr Venkatadri to be in charge of the matter on behalf of the Board.

Sub-BR

(2) an order making the Rules clear.

26

24/4/99

2 drafts submitted

Sd/- 26/4/99

(2) Instructions are requested as to whether the rules have to be modified so as to make change of residence ~~a~~ disqualification for continuance of membership. In this case I am explanation may perhaps be added to ~~Rule~~ Rule V of the Election Rules not= as 5973-4 dt 24.11.96 ~~to the following effect~~ as follows dt 27.11.96.

"Explanation) The words "becomes disqualified" in this rule shall be held to include the ceasing to possess any of the qualifications described in Rule III above as essential for election as a municipal commissioner.

BR
27/4/99

I think your suggestion is a good one.

~~Sd/-~~
Mahalingam.

The following changes

be added as an
explanation to Rule 4
of the Election Rules
published in Notfn
No. 5-973-4. dt 17-96
dated 24th Nov 1996:—

in explanation the words "becomes disqualified" in this
Rule shall be held
to include the ceasing to
possess any of the
qualifications described
in clauses (d), (e) (i)
of Rule III above as
essential for election
as a Member of Council.

Redraft
submitted
24/11/97
2-12-97 with the other draft about
Mr Venkat-S rules

29/11/97

BL B L Raj
29/11
Redraft submitted
Raj 29/11/97

15

SECTION Mysore
No 80 of 96
No 1

C.M

15

10

RL 62

444-5
L.T. 17-96 8/7/96

To The Presidents of the Bangalore and Mysore City municipalities are requested to submit as on 1st of month Statements giving the marginally noted details for each of the existing divisions of the respective Municipalities

(2) As the provisions contained in paras 8 and 9 of the election rules published under notification dated 22nd April 1892 viz 126 5½-93½ do not appear to have been complied with in respect of the publication of the lists of voters & Commissioners &c.

Statement shewing the nos of persons ~~who pay~~ residing in houses paying a house tax on houses of the rental value of ~~Rs 5~~ a month

Rs 10 a month
15 a month
20 — do —
25 — do —
30 — do —

Statement shewing the nos of persons who pay taxes under the Regn of Mohatarfa & Land Cess within the limits to the aggregate amount of Rs 5 a year

Rs 10 a year ?
15 — do —
20 — do —
25 — do —
30 — do —

Statement shewing the nos of persons who pay both the above taxes to the aggregate amount of Rs

Rs 10 a year
15 — do —
20 — do —
25 — do —
30 — do —

I grant direct that the

elections for the ensuing

year may be postponed

to a future date to be

fixed hereafter, on receipt of Govt orders on the

Valencia called

for a Cour -

(3) The President of

the Ellyson City municipality

is also requested to grant

the date or dates on which

elections of municipal

Commissioners are intended

to be held in the City

Municipality. Necessary Rep ort

Secretary

Presidents of the

Bungalow and Ellyson

City Municipalities

Last elections were held

in March 1895. [illegible]

of Mal Comm for Dharga

17-90

189

(11)

Mund.
SO 896
2

1560

From The President
Municipal Commrs.
Bangalore City

To

The Secretary to the Govt of Mysore
Genl: & Rev: Dept.

L 323

Dated 14th August 1896

Despatched

Received

General No. 39
No

Enclosure No. 2

To Govt. etc. S.973-4 dt. 19/8/96 R.717-96

Submits two statements furnishing information as the numbers of persons paying amount of taxes

References to be marked.

(11)

Received 18 Aug 1896

No. 39
Enclosures Two

OFFICE OF THE MUNICIPAL COMMISSION,
City Bangalore, 14th August 1896

From

The President, Municipal Commission,
Bangalore City.

To The Secretary to the
Government of Mysore
Revenue & Genl Departments.

SIR,

In compliance with Official Memorandum No. 444-5 dated 8th July 1896, I have the honor to submit the two statements called for therein. In both statements I have furnished information of the numbers of persons paying amounts of taxes intermediate between the figures noted in the margin of your Official Memorandum i.e I have entered in distinct columns persons who pay 5, 10, 15 &c and in separate columns [illegible]

those who pay over 5 and under 10,
over 10 and under 15 and so on

I have the honor to be
Sir
Your most obedt servant

T. T. Leonard

PRESIDENT MUNICIPAL COMMISSION,
BANGALORE, CITY.

Mahatma and Land taxes in the

No of Division	Name of Division	Rs 5/- a month	above Rs 5/- & below Rs 10/- a month	Rs 10/- a month	above Rs 10/- & below Rs 15/- a month	Rs 15/- a month
I	Palace (Div)	2	17	1	2	3
II	Balepete (Div	29	276	11	91	9
III	Manavartipete "	42	270	15	75	17
IV	Ulsoorpete Div	15	204	8	162	11
V	Nagarthpete Div	9	118	9	38	2
VI	Kal-Bagh (Div	6	29	"	6	2
VII	Fort (Division	23	49	2	9	2
	Total no of persons paying Mohalatta & taxes under Municipal Regulations	126	901	46	383	46

City Municipal Office
(Bangalore
14th Augt 96)

taxes due under the Regulation and

limits to the aggregate amount of

Rs 1-a	Above Rs 20/- & below Rs 25/- a month	Rs 25/- a month	Above Rs 25/- & below Rs 30/- a month	Rs 30/- a month	Above Rs 30/- a month	
"	1	1	1	3	47	
3	16	"	9	4	19	
15	18	2	18	5	63	
2	13	4	6	2	21	
1	11	"	9	"	26	
"	"	1	"	"	4	
1	2	"	2	1	2	
22	61	8	45	15	182	

503

16,56

T. T. [illegible]

PRESIDENT, MUNICIPAL [illegible]

BANGALORE, CITY

Municl
50 & 96

Proceedings of the Government of His Highness the Maharaja of Mysore,
dated,

L. No. ~~1713-4~~ 47-96 DATED, 24/11/96 RLJ18.

ORDER.—In supersession of the existing Rules, the Government of Mysore resolve to issue the following amended rules for the conduct of future elections in the Municipalities of the Cities of Bangalore and Mysore:—

I. Until further orders, the total number of Commissioners, inclusive of the President and ex-officio members, shall be 20 in each of the cities of Bangalore and Mysore. Of these, half the number in each Municipality will be elected by the rate-payers, the remaining half being appointed by Government, either by name or official designation. The number of members to be elected in each Division will be notified by the President

II. In Mysore, where there is no whole-time President as in Bangalore, the Deputy Commissioner for the time being is the ex-officio President of the Municipality under the Regulation, ~~The~~ Vice-President, appointed by ~~the~~ Government ~~for the Mysore City Municipality, will be~~ one of its ex-officio members.

III. In order to be qualified to be elected as a Municipal Commissioner, a person must—

(*a*) be of the male sex;

(*b*) have completed his 25th year;

(*c*) be literate,

(*d*) be resident within the municipal limits of the Division for which he is to be elected, and

(*e*) have paid to the City Municipality in respect of the year immediately preceding the election rates, taxes, land revenue or mohatarfa, of one or more of the kinds leviable under the Regulation to an aggregate amount of not ~~not~~ less than Rs ~~15~~; or have been during the year aforesaid, the occupier as owner, mortgagee or tenant of a house, shop or other building on account of which there has been paid to the City Municipality for such year, ~~apart from the payment referred to in the former part of this clause~~, a tax of not less than Rs. 15. 10

Provided that when a Company registered under Regulation III of 1895, or an undivided ~~Hindu~~ family, has fulfilled the conditions prescribed in this clause to the extent of not less than double the amounts therein mentioned, any one member thereof, having the other qualifications required, shall be eligible for election as a representative of such Company or family.

(*f*) be one who has not been convicted of an offence punishable under the Indian Penal Code with imprisonment for a term of not less than six months;

(*g*) be one who has not been declared an insolvent within two years preceding the date of election,

(*h*) be one who is not employed as an officer or a servant of the Municipality,

(*i*) be one who has no interest otherwise than as a shareholder in a Joint Stock Company, in any contract made with or work done to Municipality.

IV. Every male will be qualified to vote who, having completed 21 years of age and being resident within the limits of the Division for which the election takes place, fulfils one or other of the undermentioned conditions —

(*a*) That he has owned or occupied in his own right during the year immediately preceding the election, a house, shop or other building, on account of which there has been paid to the City Municipality for such year, a tax of not less than Rs 5, or that he has paid to the said Municipality in respect of such year, rates, taxes, land revenue or mohatarfa, of one or more of the kinds leviable under the Regulation, to an aggregate amount of not less than Rs. 5.

(*b*) That he is a graduate of an Indian or other University.

(*c*) That he is the Secretary of, or is duly authorized by any Company registered under Regulation III of 1895, which has, for the year immediately preceding that in which the election takes place, paid to the City Municipality taxes due in respect of such year under the Municipal Regulation to the aggregate amount of not less than Rs. 20.

V. The Municipal Commissioner elected shall, unless he becomes disqualified or removed by Government, be entitled to hold office for a period of 2 years from the date of his election and until his successor is declared elected in his stead.

VI. The general election of Municipal Commissioners shall take place, in such month and on such date or dates as may be fixed by Government, once in every two years. Every such election shall be by ballot and shall be held under the superintendence of the President or of any other officer or person deputed by him on that behalf, and at such time and place as he may fix by a notice published in the *Mysore Gazette* at least one month prior to the date of election.

VII. A list of persons qualified to vote and to be elected as Commissioners shall be published by the President in the *Mysore Gazette* not later than 2 months preceding the date fixed for election.

VIII. Any person qualified to be elected or to vote, whose name is omitted in the list referred to in para VII may, within one month from the date of the publication of the list, apply to the President to insert his name therein. On such application being made, the President shall make such order as to the insertion or otherwise of the name of the applicant and also as to the payment of the costs of the enquiry as he thinks just, and such order shall be final.

IX. At least three weeks prior to the date fixed for election any person entitled under the above rules and desirous of becoming a Municipal Commissioner shall submit his name in writing to the President, stating the Division for which he desires to stand. The list of such candidates shall then be published in the *Mysore Gazette*, and also posted to each voter at least 10 days before the date fixed for election.

X. After the election, the President shall arrange the candidates at each election in the order of the votes secured by each, and, having regard to the number of Municipal Commissioners to be elected, declare them elected in the order in which they have been ranked; provided that no Commissioner shall be considered as elected unless he secures the votes of at least $\frac{1}{8}$th of the total number of persons entitled to vote. In case of an equality of votes between two or more candidates for the same vacancy, the President shall decide which of them is to be declared elected.

XI. When no candidates for election are forthcoming, or when they fail to secure the minimum number of votes required, such appointment shall be filled up by Government.

XII. Any Municipal Commissioner may tender his resignation to the President, and on such resignation being accepted or after the expiry of two months from the date of such resignation, he shall be deemed to have vacated the office.

XIII. When owing to death, resignation, removal or other cause a vacancy occurs among the Municipal Commissioners between the dates of two general elections, the remaining Commissioners shall fill up the vacancy subject to the approval of Government by appointing a person possessing the prescribed qualifications, and the person so appointed shall, unless he is removed by Government, be entitled to hold office for the unexpired portion of the period for which the member vacating the office could ordinarily have remained in office.

for Secretary to the Govt. Land Revenue Department.

5-973-4
17-96

To, The President, Bangalore City Mu.
do Mysore City Mu.

O. Dr.

Mcml.
50 of 96
4

No person in the Service of Govt. or in the employment or pay of the Municipality of the Bangalore City shall directly or indirectly engage in canvassing for Votes or otherwise assist in the election of any Candidate for Municipal Commissionership otherwise than by giving his own vote. Any breach of this rule will render him liable to dismissal.

By Order
[illegible]
23-11

Passed 23/11/96 Secretary to Govt

To Heads of Departments
Dy Comrs of Distts
Presidents

Bangalore
Mysore Municipalities

RJ 964
5992-6026
24.11-96 25/11/96

Proceedings of the Government of Mysore, Local Boards Branch, Municipal, dated 25th November 1896.

OFFICE OF THE DEWAN OF MYSORE,
Dated Bangalore 25th November 1896.

No. 5992-6026—L. F. 17-96.

OFFICIAL MEMORANDUM.

No person in the service of Government or in the employment or pay of the Municipalities of the Bangalore and Mysore Cities shall directly or indirectly engage in canvassing for votes or otherwise assist in the election of any candidate for Municipal Commissionership otherwise than by giving his own vote. Any breach of this rule will render him liable to dismissal.

By Order,
C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Heads of Departments.
The Deputy Commissioners of Districts.
The Presidents of the Bangalore and Mysore Municipalities.

Exd—H.A.B.

1896-97

GOVERNMENT OF MYSORE

LOCAL BOARDS BRANCH, MUNICIPAL

PROCEEDINGS

Dated 27th November 1896

No 5992-6026
L. F. 17-96

Directing that no public servant shall directly or indirectly engage in canvassing for votes or otherwise assist in the election of any Municipal Commissioner.

M.G.C.P.B.—4-12-96—250

In 6233
L.R. 17.96

9/30/1896 Erratum

In Notice 6973.4
L.R. 17.96

Amend
S.O. 9.96
S

. 924 ~~December~~ 1896, Pub
line 6
III clause (e), omit the
. words "apart-fronted
Raymond-referred to in
the former part of this clause

By Order

Secretary

In the Complete Index
Gazette for

Mun.

50 of 96

6

L 1605

189

OFFICE OF THE DEWAN OF MYSORE 6929 1 JUNE 1897

From The President, Bangalore City Municipality.

To The Secretary to the Government of Mysore General & Rev. Dept. II

Dated

Despatched 11th } February/97

Received

General No. 190

No.

Enclosure No. one

Soliciting instructions as to whether Government servants are prohibited from canvassing for votes in their own favor when qualified as Candidates for Municipal Commissioners

Mr. 24/1-75 dy 26/2/97

Subject

D. A. Konar merely asks whether Govt. servants may stand as Candidates for Mcl. Councillorships, when they refrain from canvassing for votes in their own favor. There is nothing in the Rules of 25th Nov. 96 prohibiting this. The Mcl. has misunderstood the above & asks whether Govt. servants may canvass votes in their own favor. If Govt. servants may not canvass for votes, much less should they be permitted to canvass votes for themselves.

G 17/2/97

There is nothing to prevent a Govt. servant from standing as a Candidate for Municipal Commissioners. The question is whether such servant can canvass for votes in his own favor. This has not been prohibited by Government. Mr. Konar does not appear to require any explanation from Govt.

Draft as above submitted. Orders before issue of Rules.

17-2-97.

MM 19/2/97

Submitted for orders with a copy of Education Rules and of unrevised Proposed Rules.

(2.1.)

OFFICE OF THE MUNICIPAL COMMISSION,
City Bangalore, 11th February 189

No. No 190
Enc: one
From

The President, Municipal Commission,
Bangalore City.

To
The Secretary to the
Government of Mysore
General and Revenue Departments.
Bangalore.

SIR,

I have the honour to submit herewith a letter, in original, received from Dewan A. S. Deva Anboo Konar, and to solicit instructions as to whether the order of Government, contained in Proceedings No. 5992—6026 L. 7. 17—96 dated 25th November 1896, prohibits Government Servants from canvassing for votes in their own

are copy herewith be sent with the Commissioner

favour.

favour when qualified as
Candidates for Municipal
Commissionership.

I have the honour to be
Sir
Your most obedient Servant

T. Thomas

PRESIDENT, MUNICIPAL COMMISSION,
BANGALORE, CITY.

Section Mun.
No 50 of 96
Card 7

Read. 2nd 24

Letter ~~from~~ No 190 dated 11 Febz 97 from the President of the Bangalore city municipality, submitting a letter from Dewan Bahadur Konakondaya Engineer ~~and Collecting instructions~~ as to whether Govt servants are prohibited from canvassing for votes in their own favor when qualified as candidates for Municipal Commissioners.

1° of 90 No 1592 6036
of 25 Jun 1894

Ref 1611

No 241-75 of 26/2/97
of 17-96

Bida thereon

~~Here is no~~ Rule prevents a Govt Servant from standing as a candidate for Municipal Commissioners ships, the prohibition being only against canvassing for votes - The question whether a Govt Servant can canvass for votes, in his own favour was decided by Dewan Bahadur Kolar

The order of 25 Jun 1896 quoted above is explicit enough - It does not

and does not Consequently
call for a decision
from Government

24/2/97
for Secretary
Dy 19/2/97

Sub Committee

21/2/97

To the President Bangalore
City Municipality

" The Chief Engineer City Survey
" Engineer & Gs
" All Members & Depts

Space above for
26/2/97

Memo.
28 9 98
8 J from

Submitted for orders
Extract para 3 of Govt Proc
9730 dt 22/5/93 (2459), etc
appa must be considered
me vacated his office when
ceased to have ri the Div
which he was elected.
2 is nothing
es 17-96 and dt 24/9/98
92 necessary for
decision of the point
d. Please submit this
file 64-92 ors. when forwar
if not be sub. if called for
26/9/98

(27)

The President
Mysore City Mty

To.

The Secretary to the Govt of
Mysore in the General and
Revenue Departments

Dated 13
Despatched } September 1898
Received

General etc 193 of 1898.

Soliciting orders in
regard to the question whether
Mr V Dasappa, Municipal Comr
for the Chazarhead Mohalla
has not forfeited his seat
on the Board by changing
his residence to Chamaraja
Mohalla after his election.

To the Same 12692 98
2717 96

38

No. 193
Enc. No.

MYSORE CITY MUNICIPAL PRESIDENT'S OFFICE,
Dated 13 September 1898.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

I have the honour to state that Mr. K. Venkatadasa who was elected municipal Commissioner, for the Nagarbad mohalla, Mysore City, in July 1897, has since by change of his residence to the Chamraj mohalla, violated one of the conditions of his election as laid down in Section III of the amended rules published with notification No. 5973-4 / 2717-96 dated 24th November 1896, viz, residence within the municipal limits of the division for which he was elected. (vide clause d)

This disqualification was pointed out to him ...

And he was asked to send in his resignation with a view to avoid the necessity of recommending his removal by Government.

I herewith submit Mr. Venkatadasapa's reply dated 8th instant from which it will be observed that he argues that though residence within the Mohalla limit is a necessary qualification for election as a municipal Commissioner, a subsequent change of residence is no disqualification for the continuance during the remaining part of his term of an already elected Commissioner

To admit Mr. Venkatadasapa's argument would be tantamount to offering a premium for an evasion of the rules on the part of municipal Commissioners by change of residence at their pleasure after their election takes place.

This is in my opinion.

opposed to the spirit of the amended rules quoted above and the provisions of Section 3 of the Bangalore Town municipal Regulations, 1871, Extended to the City of Mysore by regulation III of 1884. Further it is for obvious reasons inconvenient and undesirable to permit the Continuance in office of a Commissioner, who has ceased to reside within the limits of the division for which he was originally elected under these circumstances I solicit the favour of orders in the matter

I may state that Mr. M. L. Narasimhayangar, who was an elected municipal Commissioner for the Chamarajapuram Mohalla, resigned his seat

May 2nd 2 30.

he changed his residence
to Chumraj Mohalla and
his resignation has been
accepted by the Board and
a Successor will be nominated and
his name Submitted to Government
for approval

I have the honour to be
Sir

Your most obedient Servant

[illegible]
President
Municipality

Rly Rec 2 30
13-9-98

C. Madiah Esquire
President
Municipal Board
Impore

Sir

In acknowledging the receipt of your docket No 179 of 1st September 1898 Stating that I had disqualified myself for membership on the Board and requiring me to send in my resignation I beg to bring the following to your kind notice,—

That nowhere in the Code of Municipa Regulations or in the amended rules, is change of residence declared as a disqualification f the continuance of an elected member of the Bo though in Section V of the amended rules reside within the Municipal Mohalla limits is Con-- Sidered as a necessary qualification for Election.

If after Consideration of the point you are of opinion that change of residence is disqualification for continuance on the Boar

Board of an already elected member, till the expire of his term, I shall of have no objection to send my resignation immediately.

I beg to remain
Sir
Your most obedient servant

P. Venkata Dasapa
Impl. Commr.

Impore
8th September 98.

(Same thing in Ellyam members file)
BJ 4/5/99

Memd.
150 996
9

(43)

Read:-

Letter 193 dated 13th September 1898 from the President of the Ellyam City Municipality stating that Mr. Venkatadasappa, an elected Commissioner of the Chazarbad Mohalla became by change of his residence to Chamaraja Mohalla, disqualified to retain his seat on the Municipal Board but that he refused to resign his appointment on the ground, that though residence within the Mohalla limits was a necessary qualification for election as a Municipal Commr, a subsequent change of residence was no disqualification for continuance on the Board, and requesting the issue of orders in the matter.

to 2nd Councillor
BR
29.4.99

14.99
Approved
WMC
30.4.99

5799
to Rev: Councillor E. Div.
in Camp
BR
2-5-99

3/5799

Issue orders
BR
4-5-99

R

Order thereon: 12692 D 8/5/99

L1764 17-96

It is observed that the qualifications described in para III of the election rules published under Govt notification No $\frac{S\,973\cdot4}{L\,J\,17\cdot96}$ dated 24th November 1896, refer to the period before election and cannot affect a Commissioner after his appointment. In this view, it is not easy to measure the exact effect to be given to the words "become or disqualified", used in para V of the above rules. The Rules on the subject stand at present ~~proposed~~ if ~~are~~ ~~therefore~~ enclosed. Change to be considered that the ~~transfer~~ of residence of an elected Municipal Commissioner ~~does not render him liable~~

The Rules as they stand do not clearly ~~seem~~ lay down that change of residence and forfeiture of office. Each will be

G. 43

~~to be~~ removed from the list of Municipal Commissioners ~~under the existing rules~~, and they ~~accordingly~~ direct that Mr Venkatadas appe be allowed to retain his seat on the Board ~~as a~~ ~~Board~~ till his term of office expires ~~is over~~ by efflux of time.

R. recalls them closer & in the accounting Govt

BR. 26/4/99

29-4-99

Secretary

To

The President, ettyapuram Municipal Board

Subs. to ~~ification~~ w). BR 29/4/99

Rec. 28/5/99

(44)

Immd..
50 & 96
10

Notification

The following shall be added as an explanation to Rule V of the Election Rules published in Notification No. 5973-4 L.F. 17-96 dated 24th November 1896:

"Explanation. The words 'becomes disqualified' in this Rule shall be held to include the ceasing to possess any of the qualifications described in clauses (d) to (i) of Rule III above, as essential for election as a Municipal Commissioner".

By order

Secretary

To The Controller Mysore Gazette